

Chapter Twenty-four

ENVIRONMENTAL ASSESSMENTS

BUREAU OF DESIGN AND ENVIRONMENT MANUAL

Chapter Twenty-four
ENVIRONMENTAL ASSESSMENTS

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Chapter Twenty-four

ENVIRONMENTAL ASSESSMENTS

Chapter 24 discusses procedures for preparing and processing Environmental Assessments.

24-1 GENERAL

The Council on Environmental Quality (CEQ) regulations in 40 CFR 1508.9 state that an Environmental Assessment (EA) is a concise public document that serves to briefly provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The FHWA regulation in 23 CFR 771.119 states that an EA will be prepared for each action that is not a Categorical Exclusion (CE) and does not clearly require preparation of an EIS, or where FHWA believes an EA would assist in determining the need for an EIS.

24-1.01 Applicability

24-1.01(a) Environmental Assessment (EA)

The decision to prepare an EA is project-specific and should be based on a number of factors including, but not limited to, the context and intensity of anticipated environmental impacts and the level of public interest or potential controversy in the project. Those resources or features of a proposed project that have the potential to cause a significant environmental impact should be discussed with FHWA at a district coordination meeting, so that IDOT and FHWA can determine if an EA is required.

References:

When to Prepare an Environmental Assessment, 40 CFR 1501.3
Whether to Prepare an Environmental Impact Statement, 40 CFR 1501.4(b)
Definition of Class III (EA) Action, 23 CFR 771.115(c)
When to Prepare an Environmental Assessment, 23 CFR 771.119(a)
Forty Most Common Questions Concerning CEQ's NEPA Regulations Memorandum -
Question 40 "Mitigation of Significant Impacts – Appropriateness of EA"

24-1.01(b) Finding of No Significant Impact (FONSI)

A FONSI is a Federal agency decision document that presents the reasons why an action will not have a significant effect on the human and natural environment and for which an EIS will not be prepared (CEQ regulations in 40 CFR 1508.13).

References:

When to Prepare a FONSI, 40 CFR 1501.4(e)
Environmental Assessments, 23 CFR 771.119(g)
Findings of No Significant Impact, 23 CFR 771.121(a)

24-1.02 Environmental Assessment/Finding of No Significant Impact Validity

The district is responsible for determining if there have been any changes compared to what is disclosed in the EA for the following items:

- the scope of the proposed action,
- the affected environment, (e.g., agricultural lands, wetlands, floodplains, Section 4(f) lands)
- the anticipated impacts, and
- proposed mitigation measures.

Making this determination is called a re-evaluation and must occur any time after a FONSI is issued and before major approvals (i.e. land acquisition, construction, etc.) are granted. The re-evaluation can be documented via an email, memorandum to the file, white paper, technical memorandum, or a new EA. Before undertaking any re-evaluation, the district should discuss the project and its history with BDE and FHWA at a coordination meeting to determine the type of documentation will be required. BDE will submit the re-evaluation with a letter requesting FHWA concurrence with the conclusions in the re-evaluation. If there are substantial changes since the FONSI was issued FHWA will use the re-evaluation to determine if the FONSI remains valid or if an EIS is required.

The district will, in consultation with BDE and FHWA, determine if additional public involvement and state and Federal agency coordination is necessary. The results of such coordination will be summarized and documented in the re-evaluation.

References:

Re-evaluations, 23 CFR 771.129
Section XI of FHWA Technical Advisory T6640.8A - Re-evaluations

24-2 THE ENVIRONMENTAL ASSESSMENT PROCESS

This section discusses the general process for a project processed as an EA. This is followed by a description of each activity. The district shall consider the following:

1. Lines of Communication. Communication among the district, BDE, and FHWA should be ongoing throughout the development of the EA. The districts will provide updates to BDE and FHWA at coordination meetings on the project status, activities, and decisions that are being made. This will avoid problems that may otherwise arise late in the process, causing needless delays.
2. Lead Agency. FHWA is the lead agency for FHWA-funded projects. If another Federal agency is the lead agency, other procedures may be required.
3. Application. This section applies to all EA projects involving State highways regardless of the source of funding.
4. References. Some of the references in the process are to 40 CFR 1500 excerpts that are specifically applicable to projects processed with an EIS. Although not explicit in the Federal regulations, these references also are applicable to EAs.
5. EIS. If at any stage of the EA process the potential for significant impacts is identified, it will be necessary to prepare an EIS; see Chapter 25.

24-2.01 Class of Action Determination and Initial Environmental Assessment Activities

The district will determine the preliminary scope and general location of the proposed project and present the proposed project for determination of the class of action (EIS, EA, or CE) at a coordination meeting. FHWA will determine if the project will be processed as an EA and the district will document the decision in the meeting minutes. The determination of class of action for proposed projects must occur prior to advertising the projects on the Professional Transportation Bulletin.

The district will begin to determine the types of information that will be used in accomplishing the environmental process, which may include:

- statistical data documenting need for improvement;
- planning reports or studies;
- traffic data;
- engineering and Department databases;
- information and decisions from the planning/programming process;
- existing right-of-way information;
- documentation on any public or private meetings;
- letters/correspondence on the project;
- preliminary field check of the project location;
- biological, cultural, and special waste surveys (BDE);

- State and Federal environmental databases and reports; and
- verification that the project is included in the applicable Transportation Improvement Program/State Transportation Improvement Program.

References:

Apply NEPA Early in the Process, 40 CFR 1501.2

When to Prepare an Environmental Assessment, 40 CFR 1501.3

Proposed Action Section 22-3.06

General, Section 24-1

Special Environmental Analyses, Chapter 26

Environmental Surveys, Chapter 27

AASHTO Practitioner's Handbook 01 – Maintaining a Project File and Preparing an Administrative Record for a NEPA Study, July 2006

24-2.01(a) Satisfying Planning Requirements

Early in the process, the district should determine what planning requirements will need to be satisfied prior to completing the NEPA process:

- in an urbanized area
 - + the project must be included in the conformed fiscally constrained portion of the Metropolitan Transportation Plan, and;
 - + a subsequent phase of project development (e.g., final design, acquire right-of-way, utility relocations, or construction) must be included in the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP).
- in a non-urbanized area
 - + the project must be consistent with the Long Range Transportation Plan, and
 - + a subsequent phase of the project development (e.g., final design, acquire right-of-way, utility relocations, or construction) must be included in the Statewide Transportation Improvement Program (STIP).

Due to the amount of time it takes to include the project in the appropriate planning documents, the district should work with the appropriate planning organizations to initiate the process. The district also should coordinate with FHWA to ensure that the subsequent phase is included in the TIP or STIP and that it adequately demonstrates commitment to advance the project. FHWA cannot sign the FONSI until this has occurred.

24-2.01(b) Context Sensitive Solutions

For EA projects that the Regional Engineer has determined the principles of Context Sensitive Solutions (CSS) will be used, the district shall form a CSS Project Study Group (PSG) in accordance with the procedures described in Section 19-5. Public involvement commences once the project is assigned to the PSG.

For EA projects that the Regional Engineer has determined the principles of CSS will not be used, the district will write a memorandum to the project file that is signed by the Regional Engineer documenting compliance of the project with the terms of 605 ILCS 5/4-219.

References:

Early Application of NEPA, 40 CFR 1501.2
Classes of Action, 23 CFR 771.115(a)

24-2.01(c) Develop Draft Stakeholder Involvement Plan

For projects using the principles of CSS, the PSG develops a draft SIP to document stakeholder involvement activities. As part of the SIP development, the district, FHWA, and BDE will coordinate to identify governmental entities that should be invited to serve as cooperating agencies in the EA process for the proposed project and Tribes and consulting parties to satisfy Section 106 requirements for historic properties.

FHWA and the Department, as joint lead agencies, should agree upon the content of the draft plan before it is distributed to external stakeholders.

References:

Collaboration in NEPA – A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007
AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies, December 2006

24-2.01(d) Establishment of Timeframes

The district will develop a draft timeframe agreement establishing milestones and responsibilities for major activities through the development of the EA in accordance with the FHWA/IDOT Statewide Implementation Agreement for Establishment of Timeframes for EISs and EAs (see Appendix A) and submit it to BDE for review. Subsequently, FHWA, the district, and BDE will reach consensus on the timeframe agreement. The purpose of the timeframe on projects is to provide a tool for managing document review, preparation, coordination, and approval steps.

FHWA and the Department will ensure that involved environmental resource and permitting agencies receive a copy of the timeframe agreement. For projects following CSS, the timeframe is a part of Stakeholder Involvement Plan.

The timeframes may be revised, if necessary, as a result of input from cooperating agencies or if new issues arise or priorities change. Revisions to the timeframes will be addressed in accordance with the terms of the Statewide Implementation Agreement, and updated timeframes will be provided to BDE and FHWA.

In coordination with FHWA, the district will monitor all milestone dates for the negotiated timeframes.

References:

Illinois Statewide Implementation Agreement between the Federal Highway Administration and the Illinois Department of Transportation for Establishment of Timeframes for Environmental Impact Statements and Environmental Assessments.

24-2.02 Begin External Coordination Activities

IDOT and FHWA will send letters to entities inviting them to be Cooperating Agencies (CAs) and Section 106 consulting parties. For projects using the principles of CSS, these agencies are outlined in SIP. The district will draft letters discussed below and submit them to BDE and FHWA, along with a map of the study area, the Area of Potential Affect (if different than the study area), and a list of Section 106 consulting parties. After any necessary revisions, FHWA and the district will send out their respective letters as follows:

FHWA sends letters to:

- Cooperating Agencies
 - + Federal agencies (Figure 24-2.A)
 - + State agencies (Figure 24-2.B)
- Section 106 Consulting Parties
 - + Tribes (Figure 24.2.C)
 - + State Historic Preservation Officer (Figure 24-2.D)

The district sends letters to:

- Section 106 Consulting Parties
 - + Non-Governmental Local Interest Groups (Figure 24-2.E)
 - + State and Local Government entities

The district will also develop a spreadsheet showing all Cooperating agencies, Section 106 consulting parties, and status of coordination and responses; see Figure 24.2.F.

After the response deadline, which is usually 30 days, the district will collect all responses and update the SIP based on responses, or lack thereof, to the invitation letters. The following reflects the status of the responses:

- Federal and non-Federal agencies invited as CAs must accept invitation in writing. If they do not respond they are not a CA.
- Any entity, except SHPO and local government agencies, invited to be a Section 106 consulting party must accept in writing to be a consulting party. The SHPO and local government agencies are 106 consulting parties even if they do not respond.

Thirty days after the coordination letters are sent, the district will send a copy of the draft SIP to all agencies who accepted the invitation to be a CA or consulting party. As new stakeholders are identified throughout the environmental review process, the SIP will be reviewed and revised, if necessary.

References:

Purpose, 40 CFR 1500.1(b)

Policy, 40 CFR 1500.2(d)

Reducing, Delay, 40 CFR 1500.5(b)

Purpose, 40 CFR 1501.1(b)

Cooperating Agencies, 40 CFR 1501.6

Early Coordination, Public Involvement, and Project Development, 23 CFR 771.111

FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 30 and 31
“Cooperating Agencies”

Coordination, Section 22-5

Public Involvement Guidelines, Chapter 19

Collaboration in NEPA – A Handbook for NEPA Practitioners, Council on Environmental Quality,
October 2007

AASHTO Practitioner’s Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies, December 2006

AASHTO Practitioner’s Handbook 09 – Using the SAFETEA-LU Environmental Review Process (23 USC 139), January 2008

Date]

[Address Title] [First Name] [Initial] [Last Name]

[Agency]

[Address]

[City], [State] [Zip Code]

Subject: [name of study] invitation for cooperating agency status

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA) is requesting your agency to become a cooperating agency for the [name of EA]. Please respond to our office at the above listed address in writing, with an acceptance or denial of this invitation to be a cooperating agency prior to [30 day Response Deadline Date].

THE PROJECT

The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), is initiating an Environmental Assessment for the [name of study]. The study area is located in [project location including local agencies and counties]. See enclosed map.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EA will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EA, e.g. GIS, transportation demand models, field studies.]

COOPERATING AGENCY

In accordance with 40 CFR 1501.6 of the Council on Environmental Quality's regulations for implementing the procedural provisions of NEPA, FHWA is required to invite agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies.

FHWA LETTER TO FEDERAL COOPERATING AGENCIES

Figure 24-2.A
(1 of 2)

We propose that your agency's role in the development of the above project should include the following as they relate to your area of expertise or jurisdiction by law:

- provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis; and
- participate in coordination meetings and joint field reviews, as appropriate.

To consider your agency as a cooperating agency, FHWA and IDOT must receive a written response from your agency within the stated deadline agreeing to engage in the project in this role. If your agency declines to be a cooperating agency, please indicate the reason for declining this request and provide a copy to CEQ pursuant to 40 CFR 1501.6(c).

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EA, please contact [FHWA and BDE/BLRS contact names, emails and phone numbers].

Thank you for your cooperation and interest in this project.

Sincerely,

[FHWA signature]

Enclosure

cc: IDOT Bureau Chief of Design and Environment
Regional Engineer

idl: Field Engineering Supervisor, PPD Manager, Engineering Team Leader, Transportation Engineer, PER Team Leader, Environmental Programs Engineer, Environmental Engineer.

FHWA LETTER TO FEDERAL COOPERATING AGENCIES

Figure 24-2.A
(2 of 2)

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Agency]

[Address]

[City], [State] [Zip Code]

Subject: [name of study] invitation for cooperating agency status

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA) is requesting your agency to become a cooperating agency for the [name of EA]. Please respond to our office at the above listed address in writing, with an acceptance or denial of this invitation to be a cooperating agency prior to [30-day Response Deadline Date].

THE PROJECT

The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), is initiating an Environmental Assessment (EA) for the [name of study]. The study area is located in [project location including local agencies and counties]. See enclosed map.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EA will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EA, e.g. GIS, transportation demand models, field studies.]

COOPERATING AGENCY

In accordance with 40 CFR 1501.6 of the Council on Environmental Quality's regulations for implementing the procedural provisions of NEPA, FHWA is required to invite agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies.

FHWA LETTER TO STATE COOPERATING AGENCIES

Figure 24-2.B
(1 of 2)

We propose that your agency's role in the development of the above project should include the following as they relate to your area of expertise or jurisdiction by law:

- provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis; and
- participate in coordination meetings and joint field reviews, as appropriate.

To consider your agency as a cooperating agency, FHWA and IDOT must receive a response from your agency within the stated deadline agreeing to engage in the project in this role. If your agency declines to be a cooperating agency, please indicate the reason for declining this request and provide a copy to CEQ pursuant to 40 CFR 1501.6(c).

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EA, please contact [FHWA and BDE/BLRS contact names, emails, and phone numbers].

Thank you for your cooperation and interest in this project.

Sincerely,

[FHWA signature]

Enclosure

cc: IDOT Bureau Chief of Design and Environment
Regional Engineer

idl: Field Engineering Supervisor, PPD Manager, Engineering Team Leader, Transportation Engineer, PER Team Leader, Environmental Programs Engineer, Environmental Engineer.

FHWA LETTER TO STATE COOPERATING AGENCIES

Figure 24-2.B
(2 of 2)

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Agency]

[Address]

[City], [State] [Zip Code]

Subject: [name of study] invitation for Section 106 consulting party status

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA) is inviting your Tribe to become a Section 106 consulting party for the [name of EA]. If you wish to engage in this role, please send FHWA a response prior to [30-day Response Deadline Date].

THE PROJECT

The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), is initiating an Environmental Assessment (EA) for the [name of study]. The study area is located in [project location including local agencies and counties]. See enclosed map.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EA will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EA, e.g. GIS, transportation demand models, field studies.]

SECTION 106 CONSULTING PARTY

Section 106 of the National Historic Preservation Act requires Federal agencies to (1) take into account the effect of their undertakings on historic properties and (2) afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The Section 106 process is outlined in 36 CFR Part 800.

These regulations require Federal agencies to identify parties entitled to be consulting parties and invite them to participate as such in the Section 106 process. Since your Tribe has expressed an interest in the county(ies) that the project is located in, we are inviting you to be a consulting party. Consulting parties may be asked to provide information on historic properties in the project area, identify issues relating to the project's potential effects on historic properties, and if applicable, consult to resolve adverse effects to historic properties.

FHWA LETTER TO TRIBES

Figure 24-2.C
(1 of 2)

If you would like to be a Section 106 consulting party, please send FHWA a response within the stated deadline to engage in the project in this role.

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EA, please contact [FHWA Environmental Engineer name, email, and phone number].

Thank you for your cooperation and interest in this project.

Sincerely,

[FHWA DA signature]

Enclosure

cc: IDOT Bureau Chief of Design and Environment
Regional Engineer

idl: Field Engineering Supervisor, PPD Manager, Engineering Team Leader, Transportation Engineer, PER Team Leader, Environmental Programs Engineer, Environmental Engineer.

FHWA LETTER TO TRIBES

Figure 24-2.C
(2 of 2)

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Agency]

[Address]

[City], [State] [Zip Code]

Subject: [name of study] initiation of Section 106 process and invitation for cooperating agency status

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA) is initiating the Section 106 process and inviting your agency to become a cooperating agency for the [name of EA]. If you wish to engage as a cooperating agency, please send FHWA a response prior to [30-day Response Deadline Date].

THE PROJECT

The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), is initiating an Environmental Assessment (EA) for the [name of study]. The project is located in [project location including local agencies and counties]. The enclosed map delineates the Area of Potential Effect and the study area.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EA will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EA, e.g. GIS, transportation demand models, field studies.]

INITIATION OF SECTION 106 PROCESS

Because this project is considered an undertaking and has the potential to affect historic properties, we are initiating the Section 106 process in accordance with 36 CFR 800.3(c). Attached is a list of potential consulting parties identified by IDOT and FHWA to whom we have sent invitations to become consulting parties for this project. Please review the list and notify FHWA or IDOT if you are aware of other potential consulting parties.

FHWA LETTER TO STATE HISTORIC PRESERVATION OFFICER

Figure 24-2.D
(1 of 2)

COOPERATING AGENCY

In accordance with 40 CFR 1501.6 of the Council on Environmental Quality's (CEQ) regulations for implementing the procedural provisions of NEPA, FHWA is required to invite agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies.

We propose that your agency's role in the development of the above project should include the following as they relate to your area of expertise or jurisdiction by law:

- provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis; and
- participate in coordination meetings and joint field reviews, as appropriate.

To consider your agency as a cooperating agency, FHWA and IDOT must receive a response from your agency within the stated deadline agreeing to engage in the project in this role. If your agency declines to be a cooperating agency, please indicate the reason for declining this request and provide a copy to CEQ pursuant to 40 CFR 1501.6(c).

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EA, please contact [FHWA and BDE/BLRS contact names, emails, and phone numbers].

Thank you for your cooperation and interest in this project.

Sincerely,

[FHWA signature]

Enclosure

cc: IDOT Bureau Chief of Design and Environment
Regional Engineer

idl: Field Engineering Supervisor, PPD Manager, Engineering Team Leader, Transportation Engineer, PER Team Leader, Environmental Programs Engineer, Environmental Engineer.

FHWA LETTER TO STATE HISTORIC PRESERVATION OFFICER

Figure 24-2.D
(2 of 2)

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Agency]

[Address]

[City], [State] [Zip Code]

Subject: [name of study] invitation for consulting party status

Dear [Address Title] [Last Name]:

The Illinois Department of Transportation (IDOT) is requesting you to become a Section 106 consulting party for the [name of EA]. If you wish to engage in this role, please send IDOT a response prior to [30-day Response Deadline Date].

THE PROJECT

The Federal Highway Administration (FHWA), in cooperation with IDOT, is initiating an Environmental Assessment (EA) for the [name of study]. The study area is located in [project location including local agencies and counties]. See enclosed map.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EA will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EA, e.g. GIS, transportation demand models, field studies.]

SECTION 106 CONSULTING PARTY

Section 106 of the National Historic Preservation Act requires Federal agencies to (1) take into account the effect of their undertakings on historic properties and (2) afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The Section 106 process is outlined in 36 CFR Part 800.

IDOT LETTER TO SECTION 106 CONSULTING PARTY

Figure 24-2.E
(1 of 2)

Federal agencies may invite individuals or organizations to become a Section 106 consulting party, if they have a demonstrated interest in the project or if they have concerns with the project's effects on historic properties. Consulting parties may be asked to provide information on historic properties in the project area, identify issues relating to the project's potential effects on historic properties, and if applicable, consult to resolve adverse effects to historic properties. IDOT and FHWA have identified you as a potential interested party and are therefore inviting you to be a Section 106 consulting party.

If you would like to be a consulting party, please send IDOT a response within the stated deadline to engage in the project in this role.

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EA, please contact [BDE/BLRS contact names, emails and phone numbers].

Thank you for your cooperation and interest in this project.

Sincerely,

[IDOT signature]

Enclosure

cc:

IDOT LETTER TO SECTION 106 CONSULTING PARTY

Figure 24-2.E
(2 of 2)

FHWA sends	IDOT sends													
CA-Federal Agencies	CA-State Agencies	106-Tribes	106-SHPO	106 consulting parties	First Name	Last Name	Affiliation	Address	City	State	Zip	Phone	Email	Notes
					`* Combine all contacts for each letter type. For example group all CA Federal agencies together before listing CA state agencies.									

24-2.03 Perform Environmental Survey (Records Phase)

The district shall submit an Environmental Survey Request (see Section 27-1) in order for BDE to perform a record search to access published information and determine the need for further investigation of the following:

- wetlands;
- archaeological resources, historic standing structures and bridges;
- Federal/State threatened or endangered species or their designated critical habitat;
- Illinois Natural Areas Inventory Sites;
- Nature Preserves; and
- special waste sites.

BDE provides this information to the district as it becomes available to assist in the progression of activities in the EA process.

Concurrent with the survey work by BDE, the district conducts activities (e.g., researching environmental databases, contacting environmental resource agencies) to support an inventory of the project's affected environment for resources and issues of concern. Examples of resources/issues of concern, in addition to those being addressed by BDE, include:

- | | |
|--|-------------------------------------|
| • Section 4(f) and/or Section 6(f) properties, | • water quality of surface waters, |
| • Wild and Scenic Rivers, | • prime farmland, |
| • noise analysis, | • upland plant communities, |
| • project specific air quality analyses, | • groundwater recharge areas, |
| • social/economic characteristics, | • wellhead protection areas, and |
| • visual quality, | • wildlife resources (biodiversity, |
| • floodplains, | riparian habitat, etc.). |

References:

Purpose, 40 CFR 1500(b)

24-2.04 Finalize Context Sensitive Solutions Stakeholder Involvement Plan

For projects following the principles of Context Sensitive Solutions, the Project Study Group (PSG) coordinates with FHWA and BDE to finalize the SIP. The SIP should be posted on the project website and may need to be updated as the project progresses.

References:

Collaboration in NEPA – A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007

AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies, December 2006

24-2.05 Conduct Context Audit

Following development of the SIP, the CSS project study group initiates contacts with stakeholders to conduct a context audit. The purpose of the context audit is to help identify various characteristics that define the context for the project. The CSS project study group applies the context audit procedures..

References:

AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies, December 2006

24-2.06 Develop Problem Statement

After the context audit is completed, the CSS project study group meets with stakeholders to develop a clear problem statement. The CSS project study group seeks stakeholder input on current transportation problems in the area and how the proposed project might help alleviate them.

The CSS project study group translates the stakeholder input into a clear statement of the transportation problems that should be, and can be, solved by the project. Once a clear problem statement is completed, it must be accepted by consensus of the stakeholders.

IDOT and FHWA will consider the accepted problem statement when developing the project purpose and need. The problem statement is stakeholder driven and is one consideration in developing the Purpose and Need statement.

References:

AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies, December 2006

AASHTO Practitioner's Handbook 07 – Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects, August 2007

24-2.07 Conduct Purpose and Need Coordination

The district will:

- use technical analyses to develop a draft purpose and need,
- consider the accepted CSS problem statement while developing a draft purpose and need, and
- submit the draft purpose and need to BDE for coordination with FHWA.

After BDE and FHWA agree the draft purpose and need is sufficient for distribution, then the district will coordinate with the Community Advisory Group for their input.

Next, the district may coordinate with the general public for their input in the form of public workshops or meetings, solicitations of verbal or written input, postings on websites, distribution of printed materials, or other involvement techniques or media.

If the purpose and need changes after input from the stakeholders, the district will coordinate the revised purpose and need statement with FHWA and BDE.

For projects subject to the NEPA/404 Merger Process, the district, FHWA, and BDE seek concurrence on the purpose and need at the NEPA/404 Merger meeting. The decision will be documented through the meeting minutes, which will be provided by the district and distributed by FHWA to the Merger Agreement signatory agencies, and all other participants in the meeting.

After the purpose and need is complete, the district will update the timeframes agreement and send it to BDE and FHWA.

24-2.08 Conduct Range of Alternatives Coordination

For projects using the principles of CSS, the objective of the CSS Community Advisory Group (CAG) is to reach consensus acceptance of the range of alternatives.

The district will consider input from the CAG, technical analyses of travel performance, and potential impacts to environmental resources, etc., to develop the alternatives to be carried forward. Alternatives to be carried forward are those alternatives to be studied in detail, including the “no build,” in the EA. A preferred alternative will be selected from the alternatives to be carried forward.

For projects subject to the NEPA/404 Merger Process, the district will submit the alternatives to be carried forward concurrence package to BDE and FHWA. The district, FHWA, and BDE seek concurrence on the alternatives to be carried forward at the NEPA/404 Merger meeting. The decision will be documented through the meeting minutes which will be provided by the district and distributed by FHWA to the Merger Agreement signatory agencies, and all other participants in the meeting.

After the alternatives to be carried forward is complete, the district will update the timeframes agreement and send it to BDE and FHWA.

References:

Concurrent NEPA/404 Processes, Section 22-4

AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies, December 2006

AASHTO Practitioner's Handbook 07 – Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects, August 2007

24-2.09 Perform Environmental Survey (Field Phase)

In this step, the district will submit an Environmental Survey Request (ESR) addendum to BDE for the alternatives to be carried forward. BDE determines if field work is necessary to verify or further evaluate the location, nature, and extent of potential resource involvement. If determined necessary, BDE coordinates with the responsible agencies and the district for the field survey(s). BDE provides the district documentation of the survey results and recommendations on resources identified.

The Field Survey phase is performed in coordination with other activities and will take a minimum of twelve months to receive results due to required time of year to conduct surveys. This should be accounted for in the timeframe agreement.

BDE will coordinate with the resource agencies regarding the analysis methodologies used in the field surveys.

24-2.10 Evaluate Alternatives In Depth

For each alternative to be carried forward, the district must identify and evaluate in detail those environmental impacts that will likely be caused by the construction and operation of the proposed action. This includes:

- coordination with affected local, State, and Federal agencies and the public; and
- an evaluation of the potential environmental impacts that may involve:
 - + social/economic (including environmental justice);
 - + floodplains and hydrologic assessment;
 - + agricultural;
 - + wetlands;
 - + historic/archaeological;
 - + endangered and threatened species;
 - + project specific air quality analyses;
 - + wildlife resources;
 - + aesthetics;
 - + upland plant communities;
 - + noise analysis;
 - + special waste sites;
 - + Section 4(f)/6(f);
 - + surface water resources;

- + aquatic resources;
- + groundwater resources;
- + water quality; and
- + other issues as applicable (e.g., Wild and Scenic Rivers, Wellhead Protection Zones, regulated ground-water recharge areas)

References:

Environmental Consequences, 40 CFR 1502.16

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Questions 1, 2, and 3 "Identification and Evaluation of Alternatives"

Paragraph V.E. of FHWA Technical Advisory T6640.8A - Alternatives

Selection of Preferred Alternative, Section 22-3.09

Logical Termini, Section 22-6.04

24-2.11 Conduct Preferred Alternative Coordination

For projects using the principles of CSS, the objective of the CSS Community Advisory Group (CAG) is to reach consensus acceptance of the preferred alternative.

The district will consider input from the CAG, technical analyses of travel performance, and potential impacts to environmental resources, etc., to select a preferred alternative.

For projects subject to the NEPA/404 Merger Process, the district will submit the preferred alternative concurrence package to BDE and FHWA. The district, FHWA, and BDE seek concurrence on the preferred alternative at the NEPA/404 Merger meeting. The decision will be documented through the meeting minutes which will be provided by the district and distributed by FHWA to the Merger Agreement signatory agencies, and all other participants in the meeting.

After the preferred alternative identification is complete, the district will update the timeframes agreement and send it to BDE and FHWA.

References:

Concurrent NEPA/404 Processes, Section 22-4

Collaboration in NEPA – A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007

AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies, December 2006

24-2.12 Department Review of the Preliminary EA (Review #1)

The "preliminary EA" is considered any version of the EA that is not ready and complete for public review and comment. Using information gathered from prior activities, the district prepares the preliminary EA. The preliminary EA will be reviewed by the district and BDE using the following process:

- The district submits the preliminary EA to BDE in MS Word format.
- BDE has 60 days to review and evaluate the preliminary EA and notifies the district of any revisions before proceeding with further reviews.
- The district will address all comments and prepare a disposition of comments.

At this time, FHWA does not receive a copy or review of the preliminary EA unless there is a demonstrated need and requested in writing by the Regional Engineer.

References:

Synthesis of Data Needs for EA and EIS Documentation – A Blueprint for NEPA Document Content, prepared at the request of AASHTO, January 2005
Improving the Quality of Environmental Documents, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006

24-2.13 Preliminary EA Review (Review #2)

The district will submit to BDE a revised preliminary EA and disposition of comments with BDE's comments addressed in MS Word format.

- BDE will submit the preliminary EA to FHWA, and disposition of comments if applicable, for review. BDE and FHWA will have 30 days to complete the review.
- Concurrently:
 - + BDE submits the preliminary EA to the IDOT Office of Chief Counsel for legal sufficiency review. Office of Chief Counsel has 28 days to provide comments to BDE.
 - + For projects with Environmental Justice concerns, BDE submits the preliminary EA to IDOT Civil Rights Officer for review in compliance with the Community Impact Assessment Manual.
- BDE sends its comments and FHWA's comments to the district. BDE may transmit the comments together, depending on when they are available.
- The district will address all comments, prepare a disposition of comments, and send both to BDE.
- This review process will continue with BDE and FHWA until the preliminary EA is deemed to be signature ready. The EA is considered "signature ready" when IDOT and FHWA both agree it contains all appropriate information to make the EA available for public review and comment.
- After all comments on the preliminary EA are addressed, the district provides the preliminary EA to any cooperating agencies that requested a copy for their review and comment.

References:

Synthesis of Data Needs for EA and EIS Documentation – A Blueprint for NEPA Document Content, prepared at the request of AASHTO, January 2005
Improving the Quality of Environmental Documents, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006

24-2.14 Signature Ready EA

At this stage, the district will have received input from BDE, the office of Chief Counsel, FHWA, and cooperating agencies, as applicable, on the preliminary EA. The document is considered a “signature ready EA” when both IDOT and FHWA agree that the document is acceptable for making available to the public for review. The following process applies to the preparation and processing of the signature ready EA for approval to make available to the public:

- The district submits to BDE at a minimum 3 hard copies of the signature ready EA, which include the cover sheet, containing the signature block (see Figure 24-3.A), bound in the document. The district also shall submit 1 unbound cover sheet.
- The Engineer of Design and Environment signs the bound and unbound cover sheets for the Department.
- BDE submits all hard copies and the unbound cover sheet of the EA to the FHWA Division Office.
- The FHWA Division Office signs bound and unbound cover sheets of the EA and will return all, except one bound EA. This signature approves the EA for public review.
- BDE then returns one signed hard copy and one unbound signed cover sheet to the district.

24-2.15 Make EA Available to the Public

The district is responsible for making the signed EA available for review, including cooperating agencies, Section 106 consulting parties, and the public. If the project utilizes CSS, these stakeholders will be identified in the Stakeholder Involvement Plan (SIP). See Figure 24-2.H for number of copies to be sent to resource agencies.

The minimum 30-day time period of availability for comment begins on the date the public is notified of its availability (through newspaper, website, letters, etc.). The notice of availability of the EA shall briefly describe the project and its impacts (particularly any impacts involving wetlands, floodplains, Section 4(f) resources, and business/residential relocations), in accordance with 23 CFR 771.119.

The district shall make the EA available for review by the public on the Department website, the district office and other areas, as appropriate..

Figure 24-2.G provides a Sample EA Notice of Availability for publication in newspapers, etc.

References:

Environmental Assessments, 23 CFR 771.119(c, d, e, f, and h)

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Question 38 "Public Availability of EA"

Concurrent NEPA/404 Processes, Section 22-4

Format and Content of EA, Section 24-3

Section 4(f) Evaluations, Section 26-2

Notice of Availability

**Environmental Assessment
for the proposed
four-lane improvement
of Illinois Route 29 from
Illinois Route 6 to Interstate 180**

Peoria, Marshall, Putnam, and Bureau counties

**The Illinois Department of Transportation has
placed copies of the IL 29 EA in the following
area(s) for public review:**

**<Insert district information and other areas as
appropriate>**

The EA also can be reviewed on the web at:

<insert URL here>

Comments on the EA can be mailed to:

**[Name], P.E.
Deputy Director of Highways
Region Three Engineer
Illinois Department of Transportation
401 Main Street
Peoria, IL 61602**

**Comments on the document are due by
[Date]**

Notice of Availability

Figure 24-2.G

District Distribution (as applicable) ¹	No. of Copies ¹	
	Paper	CD
District to Federal Agencies		
Environmental Protection Agency, Region V, Office of Environmental Review (Chicago)	2	1
Advisory Council on Historic Preservation	1	1
Department of Agriculture	1	1
Department of Energy (energy-related impacts only)	1	1
Department of Housing and Urban Development, Region V	1	1
Department of Interior ²	*	*
Federal Aviation Administration	1	1
Federal Railroad Administration (potential rail involvement) impact ³	1	1
US Army Corps of Engineers (if 404 permit potentially needed)		
Chicago District	0	1
Rock Island District	1	0
St. Louis District	1	0
Louisville District	1	1
Memphis District	1	1
US Coast Guard (if USCG Permit required)	1	1
US Fish and Wildlife Service		
Chicago	1	1
Rock Island	0	1
Marion	0	1
District to State Agencies		
Bureau of the Budget	1	1
Department of Agriculture	1	0
Department of Natural Resources	1	2
IDNR, Office of Water Resources	1	1
Aeronautics, IDOT	1	1
Environmental Protection Agency	1	1
Historic Preservation Agency	0	1
Illinois Commerce Commission ³	1	1
Illinois State Library (information only)	1	1
District to Other Entities		
Local Agencies (list)	(As required)	
Organizations and Institutions (list)	(As required)	
Persons (list)	(As required)	

1. Distribution of the EA occurs when the agency has jurisdiction over an involved resource due to regulation (e.g. individual 4(f), listed species, cultural) or permit, as applicable.

2. The US Department of the Interior (USDOI) prefers to receive a cover letter with a the URL of the EA website. If no website is available, other formats (flash drive or disk) may be sent via delivery service.

3. Railroad Crossing or Railroad involvement only.

Distribution of EA

Figure 24-2.H

24-2.16 Public Hearing

Section 19-2 discuss the state and Federal requirements for public involvement. Section 19-3.04(b) stipulates that a public hearing is required for EAs.

References:

Public Hearings, 23 USC 128

Early coordination, public involvement, and project development, 23 CFR 771.111

Public Involvement, 40 CFR 1506.6

Public Hearings, Section 19-3.04

Collaboration in NEPA – A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007

AASHTO Practitioner's Handbook 05 – Utilizing Community Advisory Committees for NEPA Studies, December 2006

24-2.17 Evaluate for Major Project Requirements

After identification of the preferred alternative, if the project cost exceeds \$100 million, FHWA has Major Project requirements that must be satisfied prior to completing the NEPA process (i.e., before FHWA can issue a FONSI). These requirements may include an independent cost estimate review by FHWA, preparation of a financial plan, and completion of a project management plan. Chapter 20 contains detailed information on meeting these requirements.

References:

Requirements for Major Projects, Chapter 20

24-2.18 Planning Requirement Prior to NEPA Approval

Before FHWA can approve a FONSI the appropriate planning requirements must be satisfied:

- in an urbanized area
 - + the project must be included in the conformed fiscally constrained portion of the Metropolitan Transportation Plan, and;
 - + a subsequent phase of project development (e.g., final design, acquire right-of-way, utility relocations, or construction) must be included in the Metropolitan Planning Organization's (MPOs) Transportation Improvement Program (TIP).
- in a non-urbanized area
 - + the project must be consistent with the long range Statewide Transportation Plan, and;

- + a subsequent phase of the project development (e.g., final design, acquire right-of-way, utility relocations, or construction) must be included in the Statewide Transportation Improvement Program (STIP).

At this time, the district should coordinate with the appropriate planning entities to verify the planning requirements have been satisfied so that the FONSI can be signed.

24-2.19 Prepare EA Errata and Recommend FONSI

Following the public availability period and public hearing or offer of public hearing, the district will prepare an Errata to the EA to:

- reflect changes in the proposed action or mitigation measures resulting from comments received on the EA or at the public hearing, if one is held, and the effect of the changes;
- include any necessary findings, agreements, or determinations (e.g., for compliance with wetlands requirements, Section 106, Section 4(f)); and
- incorporate pertinent comments received on the EA and the responses to those comments.
- Include public hearing transcripts, if applicable;
- Include certification that a public hearing was held, or an offer for a public hearing was made.

If the district determines the preferred alternative will have no significant impacts, the district will prepare a draft FONSI. The following process will apply to the EA Errata and draft FONSI:

1. The district will submit the EA Errata and draft FONSI to BDE.
2. BDE will review and evaluate the two documents and will notify the district of any required revisions.
3. After the district has incorporated any necessary changes, the EA Errata and draft FONSI will be submitted to FHWA through BDE.
4. The FHWA comments on the EA Errata and draft FONSI and those comments will be transmitted to the district through BDE.
5. After all BDE and FHWA comments have been addressed by the district, BDE will send the following to FHWA:
 - a. letter recommending a FONSI;
 - b. FONSI; and
 - c. EA Errata (including public hearing transcript (if applicable) and certification that a public hearing was held, or an offer for a public hearing was made).

References:

Environmental Assessments, 23 CFR 771.119(g)

Paragraph II.H. of FHWA Technical Advisory T6640.8A - EA Revisions

Section III of FHWA Technical Advisory T6640.8A – Finding of No Significant Impact (FONSI)

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Question 37a "Level of Detail in FONSI"
Concurrent NEPA/404 Processes, Section 22-4
Special Environmental Analyses, Chapter 26

24-2.20 Draft Project Management Plan for Major Projects

For projects subject to the Major Project requirements, prior to signing of the FONSI, the district prepares a draft Project Management Plan in accordance with the guidance in Section 20-2.

The district coordinates the draft Project Management Plan with BDE for submittal to FHWA. The FHWA will coordinate with FHWA Office of Innovative Program Delivery (IPD) Project Delivery Team as appropriate, review, and provide comments to BDE.

References:

Requirements for Major Projects, Chapter 20

24-2.21 Issue FONSI or Proceed to EIS

If FHWA determines that the project will have no significant impacts, the FHWA will sign the FONSI. The district will send a notice of availability of the FONSI to Federal, State, and local government agencies that asked to be informed, provided comments on the EA, or that otherwise would have an interest in the undertaking. IDOT will post the FONSI on the IDOT website.

Note: If the EA involves an individual Section 4(f) Evaluation, the district also must also send the EA Errata and final Section 4(f) Evaluation to the USDOT (consistent with USDOT policy).

If it is determined the project involves one or more significant impacts, FHWA will not approve the FONSI. In this case, the district coordinates with BDE and FHWA to initiate the process for preparing an Environmental Impact Statement (EIS) (see Chapter 25).

References:

Timing of Administration Activities, 23 CFR 771.113(a)
Findings of No Significant Impact, 23 CFR 771.121(a, b, and c)
Section III of FHWA Technical Advisory T6640.8A – Finding of No Significant Impact (FONSI)
Paragraph IV.B. of FHWA Technical Advisory T6640.8A - Distribution of FONSI
Forty Most Common Questions Concerning CEQ's NEPA Regulations Memorandum - Questions 37b and 38 "Public Availability of FONSI"
Collaboration in NEPA – A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007

24-2.22 Determine Applicability of Limitation on Claims (Statute of Limitations)

23 U.S.C. 139 establishes a 150-day statute of limitations on claims against US Department of Transportation and other Federal agencies for certain environmental and other approval actions, provided a notice is published in the Federal Register announcing the permit, license, or approval is final pursuant to the law under which the agency action is taken. The statute of limitations provision is intended to expedite the resolution of issues affecting transportation projects.

Before the completion of the FONSI, IDOT will consult with FHWA to determine if a limitation on claims is appropriate for the project. If so, IDOT will submit a draft limitation on claims notice in MS Word format to FHWA at the same time the draft FONSI is submitted (see Figure 25-2.N for a sample notice).

References:

FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Section 3 “Statute of Limitations”

AASHTO Practitioner’s Handbook 09 – Using the SAFETEA-LU Environmental Review Process (23 USC 139), January 2008

24-2.23 Finalize Project Management Plan for Major Projects

For projects subject to the Major Project requirements, the district revises the draft Project Management Plan to respond to FHWA comments. The district coordinates the final Project Management Plan with BDE for submittal to FHWA within 90 days of the date the FONSI is signed.

References:

Requirements for Major Projects, Chapter 20

24-2.24 Implement Mitigation Measures

Those involved in preparing and processing the EA should assist those involved in subsequent aspects of project development and implementation in facilitating the fulfillment of commitments made as a part of the NEPA process. In accordance with Departmental Policy D&E-19, each district must ensure that its procedures for follow-through on commitments provide for including information on mitigation measures and other commitments (e.g., Wetlands Compensation Plan, Erosion Control Plan, Special Provisions for management and monitoring of special wastes) in the project plans, as necessary, and for implementing and monitoring the measures during construction and maintenance, as appropriate.

After FONSI approval, if there are any changes to the project scope, or any portion of the design changes in a way that commitments will change or there is a substantial change in ROW

acquisition, it is the district's responsibility to coordinate with the appropriate district project development and land acquisition staff, BDE, and FHWA.

References:

Implementing the Decision, 40 CFR 1505.3

Applicabilities and Responsibilities, 23 CFR 771.109 (b)

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Question 34d "What is the enforceability of a Record of Decision?"

AASHTO Practitioner's Handbook 04 – Tracking Compliance with Environmental Commitments/Use of Environmental Monitors, November 2006

Departmental Policy D&E-19 Follow-Through on Project Commitments